

Amendments to the Drawings:

The attached Replacement sheet of drawings including Figs. 3 and 4 is submitted in response to the objection to the drawings as detailed in the Office Action. No new matter has been added. The Replacement sheet replaces the original sheet containing Figs. 3 and 4. Approval and entry are respectfully requested.

Attachment: one (1) Replacement sheet

REMARKS

I. Introduction

Claims 6 to 13 are pending and being considered in the present application. Claims 6 to 9 have been amended (strikeouts and brackets indicating deleted text and underlining indicating added text). Claims 11 to 13 have been added. No new matter has been added. In view of the foregoing amendments and the following remarks, Applicant respectfully submits that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicant notes with appreciation the acknowledgement of the claim for foreign priority and the indication that all copies of the certified copies of the priority documents have been received from the International Bureau.

Applicant thanks the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper, and cited references.

II. Objection to Claims 7 to 9

Claims 7 to 9 were objected to for depending from a canceled claim. The dependencies have been amended according to the Examiner's suggestion. Withdrawal of the objection to claims 7 to 9 is therefore respectfully requested.

III. Objection to the Drawings

The figures have been amended herein to obviate the present objection. Withdrawal of the objection to the drawings is therefore respectfully requested.

IV. Objection to the Specification

Applicant has amended the Specification, as the Examiner suggested. (Also, two references to figure element "22" were changed to "32" to reflect the amendments to the drawings.) No new matter has been added. Withdrawal of the objection to the Specification is therefore respectfully requested.

V. **Rejection of Claims 6, 7, 9, and 10 Under 35 U.S.C. § 102(b)**

Claims 6, 7, 9, and 10, are rejected under 35 U.S.C. § 102(b) as anticipated by German Patent Application Publication No. DE 100 15 267 (“Belau”). (References below are to paragraph numbers of the automated translation of Belau by the European Patent Office.)

In order for a claim to be anticipated under 35 U.S.C. § 102, a single prior art reference must disclose each and every element of the claim in exactly the same way.

Lindeman Maschinenfabrik v. Am. Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984); MPEP §2131.

Claim 6 relates to an apparatus for determining a vehicle rollover and provides for “at least one inertial sensor for detecting a potential vehicle rollover; a plurality of tire sensors; and an arrangement that uses signals from the plurality of tire sensors to determine a plausibility of the detection of the potential vehicle rollover.”

Belau states that “[t]he initiation signals for the support means are produced as a function of the acceleration signals of the linear acceleration sensors as well as the tire sensors mentioned[, and t]he signal of the vertical acceleration sensor optionally which can be planned can serve as Safing signal, in order to examine the release decision for plausibility.” Belau, par. 11. Belau generally discloses a single rollover determination based on acceleration sensors and tire sensors, which could optionally incorporate a vertical acceleration sensor as a plausibility check. This does not disclose the features of an arrangement using signals of tire sensors to determine a plausibility of a prior potential rollover detection based on an inertial sensor, as provided for in the context of claim 6.

For at least these reasons, Belau does not disclose, or even suggest, all of the features of claim 6, so that Belau does not anticipate claim 6.

Claims 7 and 9 depend from claim 6 and therefore include all of the features recited in claim 6. Accordingly, Belau does not anticipate these dependent claims for at least the same reasons set forth above in support of the patentability of claim 6.

Claim 10 relates to a method of determining a vehicle rollover and includes subject matter analogous to that of claim 6, so that Belau does not anticipate claim 10 for essentially the same reasons as claim 6.

Withdrawal of this anticipation rejection of claims 6, 7, 9, and 10 is therefore respectfully requested.

VI. Rejection of Claim 8 Under 35 U.S.C. § 103(a)

Claim 8 is rejected under 35 U.S.C. § 103(a) as unpatentable over Belau in view of U.S. Patent No. 5,071,259 (“Metzger”).

Claim 8 depends from claim 6 and is therefore allowable for at least the same reason as claim 6 since Metzger does not, and is not asserted to, overcome the deficiencies of Belau noted above with regard to claim 6.

Withdrawal of this obviousness rejection of claim 8 is therefore respectfully requested.

VII. New Claims 11 to 13:

Claims 11 to 13 have been added herein. Claims 11 to 13 do not add new matter and fully supported by the original specification.

Claim 11, recites, *inter alia*, “wherein: a plausibility of the detection of the potential vehicle rollover is determined at least in part based on the vertical acceleration [and] the horizontal acceleration . . .; the apparatus is configured to output an indication of a vehicle rollover for performance of a safety measure, the output of the indication being conditional upon that (a) the detection of the potential vehicle rollover is determined to be plausible in the plausibility determination, (b) an integrated angular rate, which is obtained by integrating the measured angular rate, is over a first critical number, and (c) the angular rate is over a second critical number; the second critical number is either an energy threshold or a torque threshold; and the second critical number is based on the integrated angular rate.” Belau does not disclose, or even suggest, these features. Belau may generally disclose tire sensors which may be used to activate a rollbar, but Belau does not disclose the specific method of quickly determining a vehicle rollover as recited in claim 11.

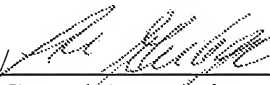
Claims 12 and 13 ultimately depend from claim 10 and are therefore allowable for at least the same reasons as claim 10.

CONCLUSION

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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